

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE  
NW/4 Old Court Road, 440 ft. +/- SW of c/l Lightfoot Drive  
3rd Election District  
2nd Councilmanic District  
Barbara Swartz Lichtenfeld  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 94-16-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Barbara Swartz Lichtenfeld for that property known as 3409 Old Court Road in the Dumbarton Heights subdivision of Baltimore County. The Petitioner herein seeks a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 30.5 ft., in lieu of the required 40 ft., for an attached garage, as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of August, 1993 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 30.5 ft., in lieu of the required 40 ft., for an attached garage, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 8/18/93  
By Dr. [Signature]

LES:mmn  
encl.

-2-

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

August 17, 1993

Mrs. Barbara Swartz Lichtenfeld  
8002 Derby Lane  
Owings Mills, Maryland 21117

RE: Petition for Administrative Variance  
Case No. 94-16-A  
Property: 3409 Old Court Road

Dear Mrs. Lichtenfeld:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmn  
encl.



## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 3409 Old Court Road which is presently zoned DR-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1, B.C.Z.R., TO PERMIT A FRONT YARD SETBACK OF 30.5' IN LIEU OF THE REQUIRED 40' FOR AN ENCLOSED GARAGE (ATTACHED)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

In an effort to hide from view: the children's bikes, toys, and the misc. garden tools, we would like to enclose the existing carport. That existing carport is only 17' wide and therefore we are requesting a variance to enlarge and reconfigure its shape.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Who so solemnly declares and affirms under the penalties of perjury that she was the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)  
Barbara Swartz Lichtenfeld

(Type or Print Name)  
Barbara Swartz Lichtenfeld  
Signature  
Barbara Swartz Lichtenfeld

Address  
City State Zip Code

City State Zip Code  
8002 Derby Lane 363-8971  
Owings Mills, MD. 21117

Signature  
8002 Derby Lane 363-8971  
Owings Mills, MD.

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## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

8002 Derby Lane

Owings Mills, MD. 21117

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (various reasons as stated on file)

Carport has existed since 1961, when the house was built.

We would like to enclose the carport to store garden tools, and the children's toys from view.

To conform aesthetically with the adjoining neighbors and concurrent remodeling of the house it is necessary to slightly enlarge and reconfigure the garage.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

Barbara Swartz Lichtenfeld

Signature

Barbara Swartz Lichtenfeld

Signature

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Barbara Swartz Lichtenfeld

Signature

Barbara Swartz Lichtenfeld

## SHANABERGER & LANE

Surveying • Land Planning • Construction Stakeout

### ZONING DESCRIPTION

LOT 3, BLOCK A

"RESUBDIVISION OF PART OF BLOCK 'A' IN SEC. 4 AND 5

DUMBARTON HEIGHTS"

Beginning at a point on the northwest right-of-way-line of Old Court Road (70 feet wide) at a distance of 430 feet southwesterly from the centerline of Lightfoot Drive, thence the following courses and distances:

1. South 65° 49' 15" West a distance of 111.95 feet; thence
2. North 24° 14' 45" West a distance of 190.85 feet; thence
3. North 79° 28' 30" East a distance of 114.59 feet; thence
4. South 16° 31' 30" East a distance of 30.00 feet; thence
5. North 79° 28' 30" East a distance of 45.17 feet; thence
6. South 07° 22' 06" East a distance of 145.93 feet to the place of beginning as recorded in Liber 5598, Folio 60, and in Plat Book 27, Folio 78.

Containing 10,603 square feet, or 0.2432 acres of land, more or less. Also known as 3409 Old Court Road, in the Third Election District.



Sheet 25.000

8786 Town and Country Boulevard • Suite 107 • Ellicott City, Maryland 21048 • (410) 461-0568

### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 3rd Date of Posting 7/18/93

Posted for: Variance

Petitioner: Barbara Swartz Lichtenfeld

Location of property: 3409 Old Court Rd., NW/4, NW/4, NW/4, NW/4

Location of signs: Along driveway on property to be zoned

Remarks: None

Posted by: [Signature] Date of return: 7/22/93

Number of Signs: 1

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Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-4150

Number: JCM

Date: 7-12-93

BARBARA LICHTENFELD - 3409 OLD COURT RD.

Admin. V. (080)

&lt;





Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Helene Kehring  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 8-19 (CCM)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is

Teletypewriter for Impaired Hearing or Speech  
333-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: July 29, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 9, 11, 12, 18, 19, 21, 24, 25, 26, 29, 32, 33, 34, 37 and 39.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long

Division Chief: Gary L. Kerns

PK/JL:lw

ZAC.9/ZAC1

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

JUL 27 1993

(410) 887-3353

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Barbara Swartz Lichtenfeld  
8002 Derby Lane  
Owings Mills, Maryland 21117

Re: CASE NUMBER: 94-16-A (Item 19)  
3409 Old Court Road  
NW/3 Old Court Road, 490 1/2 SW of c/1 Lightfoot Drive  
3rd Election District - 2nd Councilmanic

Please be advised that your petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3353. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 1, 1993. The closing date (August 16, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon

Arnold Jablon  
Director



Back of owner's house 3409 Old Court Rd



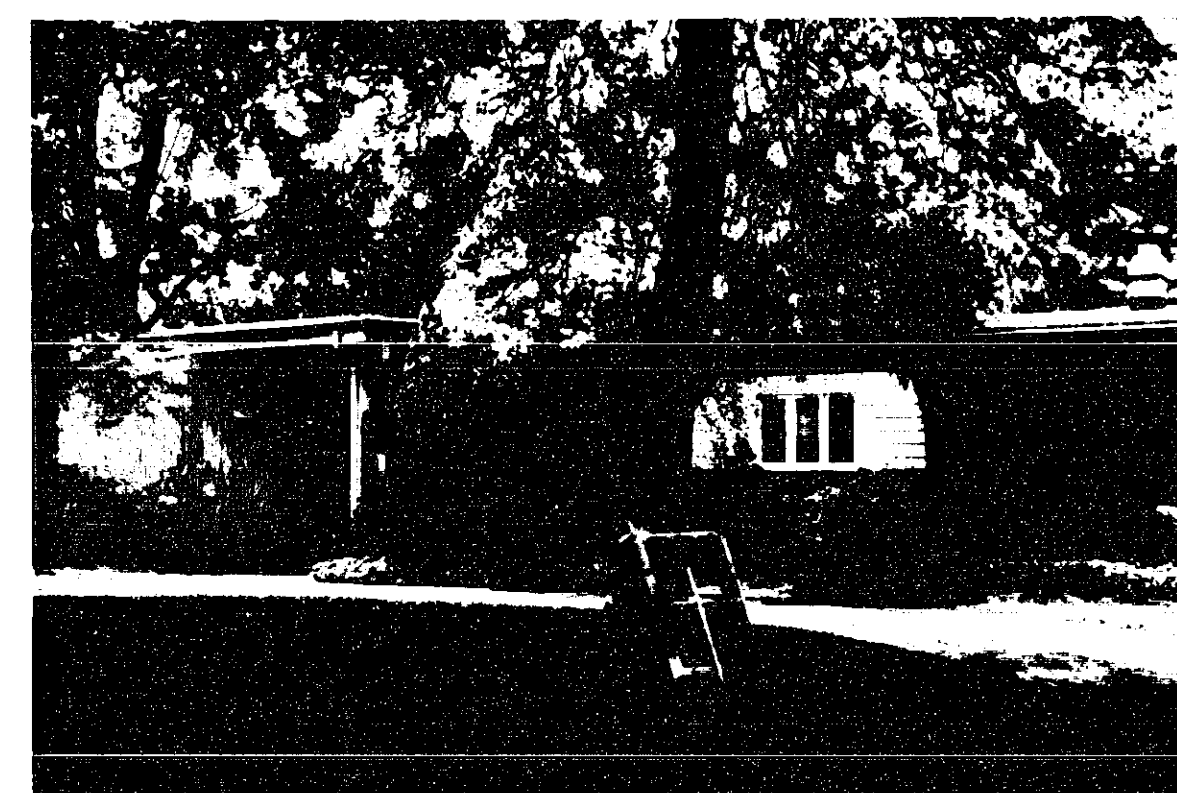
Back of owner's house 3409 Old Court Rd.



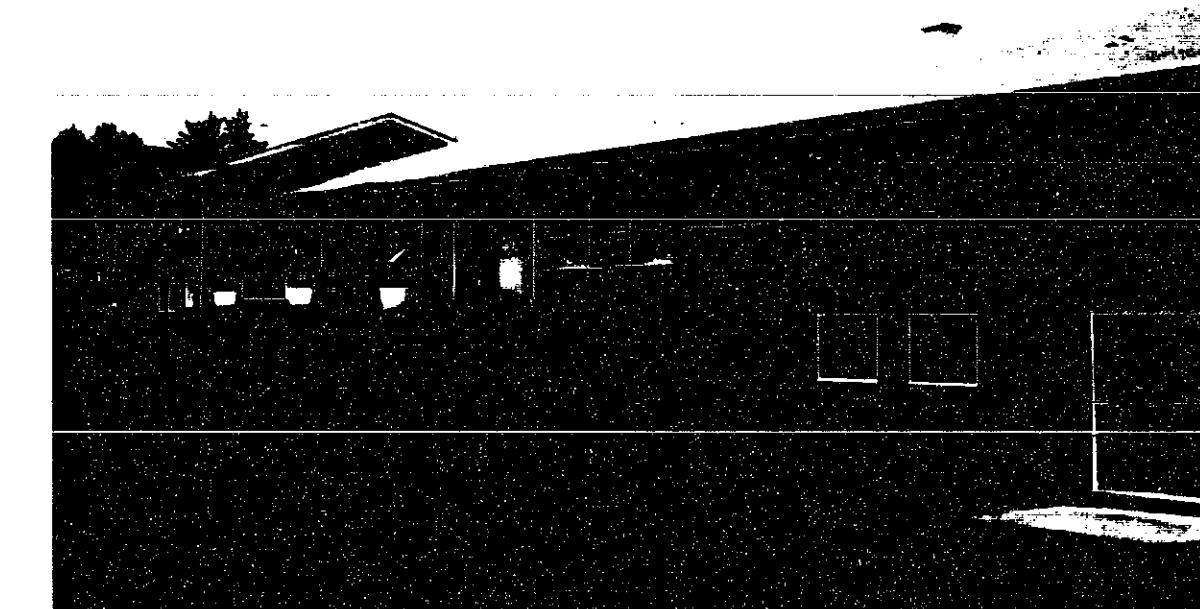
Back Yard of owner's house - 3409 Old Court Road



Neighbor at 3300 Old Court Road

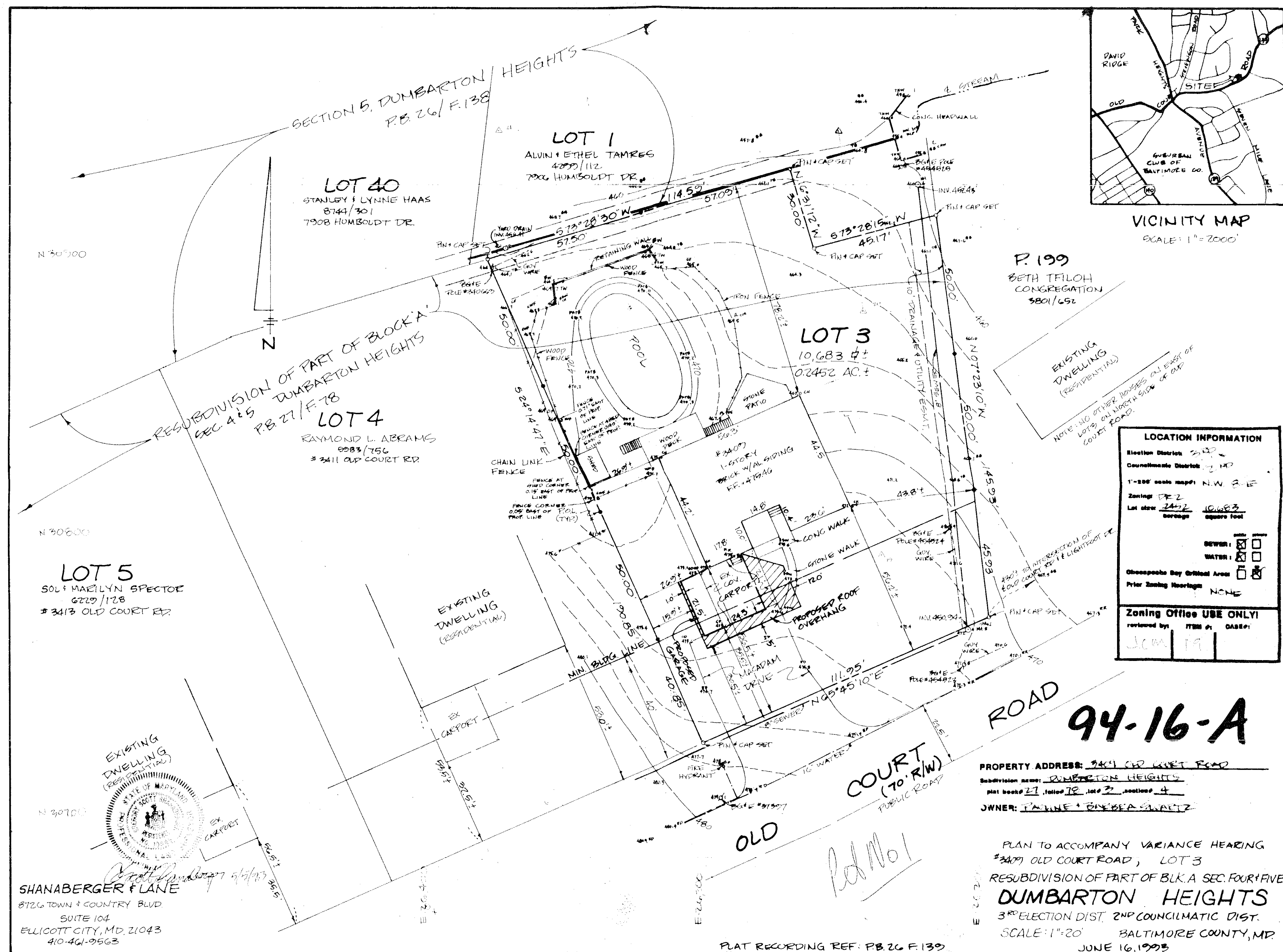


Neighbor at 3411 Old Court Rd



Neighbor at rear of property









BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
AERIAL PHOTOGRAPHIC MAP

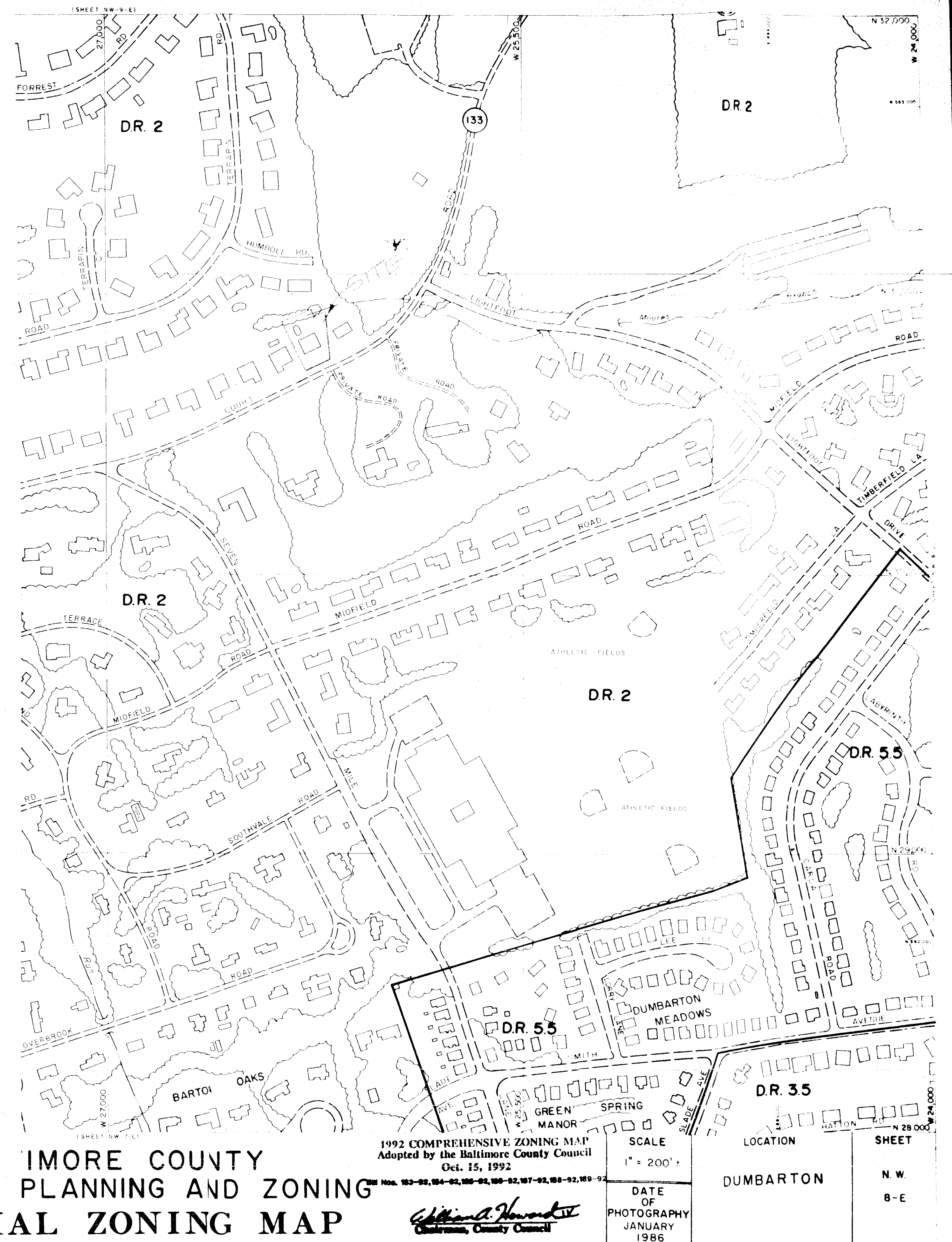
94-16-A

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC., BALTIMORE, MD, 21210

SCALE 1" = 200' ±	LOCATION DUMBARTON	SHEET NW. 8-E
DATE OF PHOTOGRAPHY JANUARY 1986		

*[Signature]*  
Chairman, County Council

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP



1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992

*[Signature]*  
Chairman, County Council

SCALE 1" = 200' ±	LOCATION DUMBARTON	SHEET NW. 8-E
DATE OF PHOTOGRAPHY JANUARY 1986		